Mama Vaidyan, Kundazhiyur Desam, Engandiyur Amsam, Ponnani Taluk.

(4) Raghavan, son of Eranezhath Krishnan, Thalikulam, Ponnani Taluk.

(*j*) Yes. The last return was filed on 13th Edavam 1116.

(*k*) Yes. The Assistant Registrar, Trichur. Some of the statements were not in order. Action is being taken for it.

(*l*) A press cutting from "Gomathi" came to the notice of Government. The information sought for in the press cutting was with regard to the present condition of the society as well as of the kuries conducted by it. No enquiry was made regarding the condition of the society as there is no provision in Act II of 1088 empowering the Department or Government to inspect the records or enquire into its affairs.

MALABAR NATIONAL BANK—INQUIRY UNDER SECTION 137 OF COMPANIES ACT

112. Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will Government be pleased to state:—

(*a*) whether the Registrar of Joint Stock Companies (Superintendent of Registration) has received any petition from any contributory or creditor of any company in Cochin demanding an investigation of the affairs of that company under section 137, sub-section (6) of the Indian Companies Act, made applicable to Cochin by His Highness the Maharaja's Proclamation;

(*b*) if answer to (a) is in the affirmative, whether any action has been taken in that matter;

(*c*) what was the result;

(*d*) whether the Registrar has reported to the Government under section 138 of the Indian Companies Act?

Mr. P. V. Raphael *(Joint Secretary to Government):*

(*a*) No petition was received from any contributory or creditor of any company demanding an investigation of the affairs of that company under section 137 (6). There was a petition from a share-holder of the Malabar National Bank, Ltd., requesting for an investigation.

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(*b*) Since the petition referred to in (a) did not state that the petitioner was either a contributory or a creditor and as no materials were produced in support of the allegations contained in the petition as required under section 137 (6) of the Companies Act, no action was taken in the matter.

(*c*) and (*d*) Does not arise.

113. Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will Government be pleased to state.—

(*a*) whether the Registrar of Joint Stock Companies has taken any action against any company in 1116 under section 137, sub-section (5) of the Indian Companies Act either on detection of unsatisfactory working of that institution or on the representation by any contributory or creditor;

(*b*) if so, when, and what action has been taken?

Mr. P. V. Raphael *(Joint Secretary to Government):*

(*a*) No action has been taken in 1116 against any company under section 137 (5).

(*b*) Does not arise in view of answer to (*a*).

114. Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will Government be pleased to state.—

(*a*) whether the Superintendent of Registration (Registrar of Joint Stock Companies) received any petition in Medam or Edavam 1116 containing a prayer to make certain investigations into the affairs of the Malabar National Bank, Ltd., Trichur;

(*b*) who was the petitioner?

(*c*) whether the petitioner was not a share-holder of the Bank (Company);

(*d*) what were the allegations against the management of the Company;

(*e*) what was the reply given to the petitioner?

Mr. P. V. Raphael *(Joint Secretary to Government):*

(*a*) Yes.

(*b*) The petitioner was Mr. Kunduvaravalappil Krishnankutty.

(*c*) No.

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(*d*) A brief summary of the allegations is given below.—

(1) that the affairs of the Company are being carried on by the present Managing Director with a selfish motive to acquire individual gain and for the benefit of the members of his family;

(2) that the affairs of the Company are being carried on in fraud of its creditors and share-holders;

(3) that the family members and relatives of the Managing Director are being allowed to with-hold payment of the amount due to the Bank;

(4) that persons dealing with the Company are wilfully being made to suffer;

(5) that some of the close relatives of the Managing Director form the majority of the Bank's creditors;

(6) that the Managing Director has utilised the funds of the Bank for his private purposes;

(7) that with the knowledge and consent of the Managing Director several records of the Bank have been destroyed.

(8) that with the help of the Managing Director an employee of the Bank has committed fraud and misappropriated Bank money; and

(9) that the Managing Director has acted in a manner quite detrimental to the best interest of the Bank.

(*e*) A copy of the reply is given below.—

"The petitioner does not state that he is a contributory or a creditor. Further no materials in support of the allegations contained in the petition have been placed before the Registrar as required by the Act. No action can, therefore, be taken in the matter."

115. Mr. C. R. Iyyunni *(Trichur-South)*: Will Government be pleased to state.—

(*a*) whether a petition for investigation under section 137 of the Indian Companies Act was not received by the Registrar of Joint Stock Companies in May 1941

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with regard to the Malabar National Bank, Ltd., Trichur;

(*b*) who was the petitioner; was he not a share-holder of the Bank;

(*c*) what were the allegations contained in the petition referred to in (*a*);

(*d*) what was the reply given to the petitioner;

(*e*) whether the Registrar of Joint Stock Companies or any of his assistants did make any preliminary enquiry with regard to the allegations against the management of the Bank?

Mr. P. V. Raphael *(Joint Secretary to Government):*

(*a*) Yes.

(*b*) Please see answer to sub-divisions (*b*) and (*c*) to question No. 114.

(*c*) Please see answer to sub-division (*d*) to question No. 114.

(*d*) Please see answer to sub-division (*e*) to question No. 114.

(*e*) No.

116. Mr. M. L. Joseph *(Latin-Christians-Cranganur):* Will Government be pleased to state.—

(*a*) whether the Registrar of Joint Stock Companies has received any petition in May 1941 from any share-holder of any Joint Stock Company for investigation into the affairs of that institution under section 137 of the Indian Companies Act;

(*b*) if answer to (*a*) is in the affirmative, whether any investigation has been made in the matter;

(*c*) what were the allegations against the management?

(*d*) whether any attempts were made to verify the statements with reference to the records and accounts of the institution;

(*e*) whether any reply to the petition referred to in (*a*) was given to the petitioner; if so, copy of the reply may be printed and placed on the table of the House;

(*f*) whether a creditor or a contributory has not a statutory right to demand an investigation under Section 137 of the Indian Companies Act;

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(*g*) whether the petitioner referred to in (*a*) was not a contributory of the institution, into the affairs of which he demanded an investigation?

Mr. P. V. Raphael *(Joint Secretary to Government):*

(*a*) There was a petition from one Mr. Krishnankutty stating that he was a share-holder of the Malabar National Bank, Ltd.

(*b*) No investigation was made as the petitioner was not a shareholder.

(*c*) Please see answer to sub-division (*d*) to question No. 114.

(*d*) There was no necessity for verification in view of the answer to (*b*).

(*e*) Yes. Please see answer to sub-division (*e*) to question No. 114.

(*f*) Yes.

(*g*) The petitioner was not a share-holder and hence he was not a contributory.

GOVERNMENT PRESS—CLOSING FOR THIRUVANTHALI

117. Mr. V. K. Bhaskara Menon *(Cranganur):* Will Government be pleased to state whether the Government Press was closed for the *Thiruvanthali* in Medam 1116?

Mr. P. V. Raphael *(Joint Secretary to Government):* No.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know, why?

Mr. P. V. Raphael *(Joint Secretary to Government):* The Press is worked on a commercial basis. The holidays in the Press are very much restricted. They are not allowed all the holidays allowed to the other offices. Therefore the Press worked on that day.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know whether it is the case of the Government that this particular holiday comes under the general category of other holidays?

Mr. P. V. Raphael *(Joint Secretary to Government):* It is a special holiday, no doubt. But the Government considered that, under the restriction scheme of holidays, the Press may work on that day.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* Is it not a Government Institution, Sir?

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